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COUNTY OF LOS ANGELES

SHERIFF'S DEPARTMENT

"A Tradition of Service"

OFFICE CORRESPONDENCE

DATE: March 23, 2006

FILE NO.: SH2116212

FROM: JOHNNY G. JURADO, COMMANDER
ERIC B. SMITH, COMMANDER
KENNETH J. BRAZILE, COMMANDER

TO: KARYN MANNIS, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: **EXECUTIVE FORCE REVIEW COMMITTEE DISPOSITION:**

DEPUTY ANTHONY WILLIS #[redacted]
DEPUTY SEAN CARRION #[redacted]
COMPTON STATION

On April 23, 2004, Compton deputies responded to a location in answer to a "business dispute with a possibly mentally ill person" call. The information provided in the call indicated the suspect was threatening to blow up the gas station by trying to ignite the fuel pump nozzle of a gas pump.

Deputies Willis and Carrion arrived at the location and observed the suspect standing in the gas station with a fuel pump nozzle in one hand and matches in the other. The deputies ordered the suspect to drop both the matches and the nozzle, and when the suspect refused, Deputy Carrion deployed his OC spray. This only seemed to agitate the suspect who then broke the front windshield and rear window of a patron's car with the pump nozzle. The suspect then began swinging the nozzle by the hose at both deputies. Deputy Carrion then deployed his M26 Taser and the suspect dropped the matches and the nozzle and ran into the food mart. The suspect ran up behind a patron, the victim, and began choking him with a "bar arm" type hold.

The suspect continued choking the victim, and wrestled the victim to the floor where he pulled the victim on top of himself. Both deputies struggled with the suspect to free the victim, but to no avail. Deputy Carrion then pressed the Taser to the suspect's neck for a contact taser shot, but this also had no effect on the suspect. Hearing the victim gurgling and gasping for air, both deputies believed the suspect was going to kill the victim. Fearing for the life of the victim, Deputy Willis pulled the victim slightly to the side and fired one, .45 caliber round point blank into the suspect's left chest area. The suspect immediately released the victim. The suspect was pronounced dead at the scene. No deputies were injured.

On March 23, 2006, the Executive Force Review Committee convened and conducted a review regarding the facts of this case. The applicable policies that were evaluated by the committee were: MMP § 3-01/025.00: Use of Force; MMP § 3-01/025.30: Use of Firearms and Deadly Force; MMP § 3-01/025.10: Unreasonable Force; and MMP § 3-01/050.10: Performance to Standards. Concerning:

MMP § 3-01/025.00: Use of Force, MMP § 3-01/025.30: Use of Firearms and Deadly Force, and MMP § 3-01/025.10: Unreasonable Force, the Committee determined that the force used by the deputy was reasonable and necessary and in compliance with Department policy. MMP § 3-01/050.10: Performance to Standards, the Committee determined that the tactics employed by the deputies in this incident were within Department Policy.

Johnny G. Jurado, Commander

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LOS ANGELES COUNTY DISTRICT ATTORNEY'S OFFICE
BUREAU OF FRAUD AND CORRUPTION PROSECUTIONS
JUSTICE SYSTEM INTEGRITY DIVISION

STEVE COOLEY • District Attorney
CURT LIVESAY• Chief Deputy District Attorney
CURTIS A. HAZELL • Assistant District Attorney

RICHARD D. DOYLE • Director

April 15, 2005

Captain Raymond Peavy
Los Angeles County Sheriff's Department
Homicide Bureau
5747 Rickenbaker Road
Commerce, California 90040

In Re: J.S.I.D. File #: 04-0370
L.A.S.D. File #: 004-16745-2814-013

Dear Captain Peavy:

The Justice System Integrity Division of the Los Angeles County District Attorney's Office has completed its review of the April 23, 2004 fatal shooting of Cephas Hendricks by Los Angeles County Sheriff's Deputy Anthony Willis. We have concluded that Deputy Willis acted reasonably and lawfully in self-defense and the defense of others during this incident.

The following analysis is based upon reports prepared by the Los Angeles County Sheriff's Department (LASD) and submitted to this office on September 9, 2004 by Detectives Barry Hall and Kevin Lowe of the LASD Homicide Bureau. The District Attorney's Command Post was notified of this incident and Deputy District Attorney Valerie Aenlle-Rocha and District Attorney Senior Investigator [redacted] immediately responded to the scene. They were given a briefing and a walk-through of the scene by investigators. No compelled statements were considered by this office.

FACTUAL ANALYSIS

On April 23, 2004 at 10:00 a.m., LASD Deputies Anthony Willis and Sean Carrion responded to a radio broadcast of a "deranged subject" threatening to blow-up the Chevron gas station located at 101 West Compton Boulevard, Compton. Upon their arrival, they encountered Cephas Hendricks holding a gasoline nozzle and matches. He was threatening to ignite gasoline from the nozzle as he continually tried to light the matches. Hendricks refused to comply with deputies' commands to put-down the gas nozzle, and at one point broke-out a car's window with it. Deputy Carrion used pepper spray and a taser gun on Hendricks which had no effect. Hendricks then dropped the gas nozzle, ran inside the Chevron station, and grabbed [redacted] by the neck. He started to choke [redacted] causing him to start losing consciousness. Deputy

Carrion again used a taser gun on Hendricks. Deputies Willis and Carrion struggled with Hendricks on the ground trying to free victim [redacted] who was being choked to death by Hendricks. Fearing for the life of [redacted] Deputy Willis fired one round into Hendricks' torso fatally wounding him.

[redacted] was at the Chevron station attempting to pump gas into her vehicle when Cephas Hendricks took the gasoline nozzle away from her and began to light matches. When she asked him what he was doing, Hendricks replied, "I am gonna blow this whole place up!" [redacted] saw Hendricks light a paper towel on fire trying to ignite gasoline from the nozzle he was holding. [redacted] was inside the Chevron station paying for gas when Hendricks pushed him face first into a soda dispenser. Hendricks then grabbed him by the neck and started choking him into unconsciousness. [redacted] tried to yell for help, but could not breathe. He heard one gunshot and Hendricks released his hold around his neck. [redacted] suffered abrasions to his neck, right elbow and triceps, a gash to his nose, and lower back pain. He was treated by Compton Fire Department paramedics for asphyxiation.

Deputy Anthony Willis told investigators that he responded to the Chevron station and saw Cephas Hendricks with a gasoline pump nozzle in his left hand and something else in his right hand. Deputy Sean Carrion had already arrived at the scene. Both deputies ordered Hendricks to drop the gasoline pump nozzle at gunpoint. Hendricks said, "I don't have to do anything. I'm not doing anything wrong. Those people are lying." Deputy Carrion sprayed Hendricks with pepper spray, but it had no effect upon him. He then fired his taser gun at Hendricks, but that too had no effect. Hendricks became angry, swung the gasoline nozzle at them, and broke a window of car parked near the gasoline pump.

Deputy Willis watched Hendricks take [redacted] hostage and start to choke him to death. Deputy Carrion tried using his taser gun again directly into Hendricks' neck, but again it had no effect upon him. Both Deputies Willis and Carrion struggled with Hendricks to release [redacted] but they were unsuccessful. Fearing [redacted] was being choked to death by Hendricks and knowing that all efforts used to save [redacted] were unsuccessful, Deputy Willis felt he had no choice but to shoot Hendricks in order to save [redacted] life.

Deputy Sean Carrion told investigators that he too responded to the Chevron station and saw Cephas Hendricks standing near an "alarmed" Hispanic female holding a gasoline pump nozzle in his right hand and a book of matches in his left hand. Hendricks was trying to light the matches, and refused to comply with Deputy Carrion's orders to "drop the nozzle" and "drop to the ground." Hendricks said, "Fuck you! Fuck you! I'm not doing anything wrong." Deputy Carrion used his pepper spray on Hendricks, but it had no effect. Next, he retrieved his taser gun and aimed it at Hendricks who said, "Fuck you! Fuck you! Go ahead and shoot me!" Deputy Carrion then fired his taser gun, but it had no effect. Hendricks swung the gasoline pump nozzle and broke-out a car's window. Hendricks then shouted he was going to kill Deputy Carrion and charged him, but ran-out of gasoline pump hose and ran past him into the Chevron station where he took [redacted] hostage by his neck using a choke hold. Hendricks choked [redacted] into

semi-unconsciousness. [redacted] was choking and unable to break free of Hendricks' choke-hold. Deputy Carrion again used his taser gun directly to Hendricks' neck, but again it had no effect upon him. He pulled his service weapon and was about to fire it at Hendricks when Deputy Anthony Willis fired his weapon. Deputy Carrion felt it was necessary to shoot Hendricks, because he was "killing" the victim right in front of them.

Numerous witnesses to the incident were interviewed by investigators. The vast majority of them corroborate the deputies and each other as to Cephas Hendricks' actions of attempted arson of the Chevron gas station and attempted murder of [redacted] Some of the witnesses saw gasoline flowing from the pump nozzle held by Hendricks. He appeared "hyper," extremely jumpy, and jittery. [redacted] Hendricks' [redacted] told investigators that her [redacted] was a schizophrenic bipolar individual with a history of mental problems. He recently tried to commit suicide two weeks prior to this incident. Hendricks was taking a heavy dosage of prescribed psychotropic medications.

On April 25, 2004, Deputy Medical Examiner Dr. Ogbonna Chinwah, M.D., conducted an autopsy on Cephas Hendricks and ascribed the cause of death to be a gunshot wound to the chest. Toxicological reports show Hendricks had a blood alcohol content of .06% and the presence of cocaine/benzoylecgonine in his blood.

CONCLUSION

California law permits the use of deadly force in self-defense or in the defense of others if it reasonably appears to the person claiming such right that he actually and reasonably believed that he or others were in imminent danger of great bodily injury or death. *People v. Williams (1977) 75 Cal.App. 3d 731.*

In protecting oneself or another, a person may use all force which he believes reasonably necessary and which would appear to a reasonable person in the same or similar circumstances to be necessary to prevent the injury which appears to be imminent. *California Jury Instructions—Criminal (CALJIC) 5.30 and 5.32.*

Actual danger is not necessary to justify the use of deadly force in self-defense or the defense of others. If one is confronted by the appearance of danger, which one believes would result in great bodily injury or death, and a reasonable person in the same position would so believe, one may act upon those circumstances. The right of self-defense is the same whether the danger is real or merely apparent. *People v. Toledo (1948) 85 Cal.App. 2d 577.*

The reasonableness of a particular use of force must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight….The calculus of reasonableness must embody allowance for the fact that police are often forced to make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving—about the amount of force that is necessary in a particular situation. *Graham v. Conner (1989) 490 U.S. 386.*

When peril is swift and imminent and the necessity for action immediate, the law does not weigh into nice scales the conduct of the assailed and say he shall not be justified in killing because he might have resorted to other means to secure his safety. *People v. Collins (1961) 189 Cal.App. 2d 575.*

Cephas Hendricks created an extremely volatile and tense situation at the Chevron gas station. He was belligerent and confrontational with the station's customers. He declared his intention to "blow-up" the gas station and attempted to follow through with it by taking a gasoline pump nozzle away from a customer's car, lighting a paper towel on fire, and trying to light matches. His attempted arson had the potential to create tremendous death and destruction as there were numerous people present. This act alone would have justified the use of deadly force. However, when Hendricks took [redacted] hostage and began to asphyxiate him with a choke hold, the deputies had a clear duty to act using any means necessary to save his life. Deputy Anthony Willis had no other option but to use deadly force after all other non-lethal methods of controlling Hendricks had failed.

Based upon the facts of this case, we find that Deputy Anthony Willis reasonably and lawfully fired his service weapon in the defense of another. In accordance with this conclusion, we are closing our file and will take no further action in this matter.

Very truly yours,

STEVE COOLEY
District Attorney

By: William H. Johnson

WILLIAM H. JOHNSON
Deputy District Attorney
213-974-5089

c. Deputy Anthony Willis, #[redacted].